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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/778,000 | 02/10/2004 | Daniel Wood | 15730.2600 | 3338 |
| 48236 | 7590 | 01/26/2006 | EXAMINER | |
| SNELL & WILMER, LLP ONE ARIZONA CENTER 400 E. VAN BUREN PHOENIX, AZ 85004-2202 | | | BOYER, CHARLES I | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1751 | |

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/778,000 | WOOD ET AL. | |
| | Examiner | Art Unit | |
| | Charles I. Boyer | 1751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 4, 14, and 15 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a C12-13 (EO/PO) alcohol, does not reasonably provide enablement for "an oily surfactant". There is insufficient description in the specification to clearly delineate between an "oily" nonionic surfactant and a traditional nonionic surfactant. The term "oily" nonionic is not commonly used in the art and applicants have given only a single example as to what is meant by this term. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 refers to additional suds reducers, however there are no suds reducers present in the composition initially.

Claim Objections

3. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 15 contains the same limitation as claim 14, from which claim 15 depends.

Claim 5 is objected to because of the following informalities: In line 1 of claim 5, "ration" should read "ratio". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Initially, the examiner notes that all of the components presently claimed are extremely common ingredients for use in detergent compositions and so a thorough search is impossible. The examiner estimates there are at least hundreds of references that disclose all of these components as suitable in their detergent compositions. Any response from applicants to the references cited below that does not also address the fact that their claims are extremely broadly written, together with a clear statement of

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what applicants consider to be the novelty of their invention, will likely not be successful in rendering these claims allowable.

5. Claims 1-4, 6-9, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Smadi et al, US 6,376,446.

Smadi et al teach liquid detergent compositions comprising alkylbenzene sulfonate, a mixture of ethoxylated alcohol nonionic surfactants, 1% EDTA, 1% polyacrylate, 2.5% polyethylene glycol, 0.3% citric acid, anti-redeposition agent, optical brightener, triethanolamine, dye, fragrance, preservative, and the balance water (col. 11, example 1). The mixture of anionic and nonionic surfactants may be present in amounts as low as 5% (col. 12, claim 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1, 2, 6, 9, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cao et al, US 6,025,316.

Cao et al teach liquid detergent compositions comprising 8.5% alkyl ether sulfate, 3.5% ethoxylated alcohol, 5% citric acid, 0.45% phosphonic acid chelant, 0.7% polyethylene glycol polymer, potassium hydroxide, perfume, and the balance water (col. 10, example C). The mixture of anionic and nonionic surfactants may be present in amounts as low as 5% (col. 12, claim 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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7. Claims 1-4, 6, 9, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bacon et al, US 5,500,154.

Bacon et al teach liquid detergent compositions comprising 23% alkyl ether sulfate, 6% ethoxylated alcohol, 9% fatty acid amide nonionic surfactant, 6% citric acid, 0.95% phosphonic acid chelant, 0.46% soil release polymer, optical brightener, perfume, and the balance water (col. 29, example V-A). Another example comprises 18% alkyl ether sulfate, 2% ethoxylated alcohol, 5% fatty acid amide nonionic surfactant, 3% citric acid, sodium hydroxide, polyacrylate, and the balance water (col. 27, example II). Preferred amounts of surfactants range between 5 and 22% (col. 30, claim 8). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

8. Claims 1, 2, 5, 6, 9, 10, 12-15, 18-23, 25, and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Mayer et al, DE 10215602, priority document of US 2005/0119151.

Mayer et al teach a liquid laundry detergent comprising 5% alkyl ether sulfate, 12% ethoxylated alcohol nonionic surfactant, 4% sodium citrate, 1.5% sodium hydroxide, 0.03 phosphonic acid sequestrant, 0.4% polyvinylpyrrolidone, perfume, and the balance water (page 19, example E3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smadi et al, US 6,376,446.

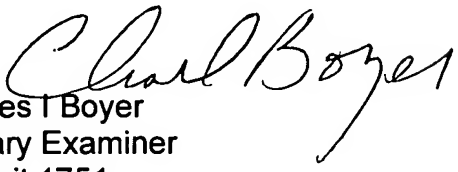
Smadi et al are relied upon as set forth above. Note that in example 1, the ratio of anionic surfactant to nonionic surfactant is 1:3. Further note that sodium hydroxide is taught as a preferred additive of the invention (col. 13, example 5). Though the presently claimed ratio of surfactants in the presently claimed proportions is not taught by the reference, as the reference allows for lower amounts of surfactants, the examiner maintains that if lower amounts of surfactant were used, one of ordinary skill would likely maintain the ratio of surfactants set forth in example 1 and so this claim limitation would be satisfied.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
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